IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

WP(C).No. 31157 of 2006(H)

PETITIONER:

DR.P.J.MATHEW, AGED 75 YEARS,
S/O.EYYO, PUNNADAMPACKAL, MALIACKAL
WARD NO. XI, NEELAMPEROOR GRAMA PANCHAYATH.

BY ADV. SRI.SASTHAMANGALAM S. AJITHKUMAR
SRI.RENJITH B.MARAR
SRI.DILEEP P.PILLAI
SMT.LAKSHMI.N.KAIMAL
SRI.T.K.SUJITH

RESPONDENTS:
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1. S.I.OF POLICE, KAINALY POLICE STATION, ALAPPUZHA.

2. THE SECRETARY, NEELAMPEROOR GRAMA PANCHAYATH,
EARA P.O. ALAPPUZHA.

3. SAJEEV, S/O.VISWAVANDYAN, PUTHUVELIL HOUSE,
CHERUKARA P.O. ALAPPUZHA.

BY ADV. SRI.R.REJI
GOVERNMENT PLEADER SRI.SALIM.P.A.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1	TRUE COPY OF THE CERTIFICATE DATED 1.11.06 ISSUED BY THE SECOND RESPONDENT.
EXT.P2	TRUE COPY OF THE PETITION PREFERRED BEFORE THE FIRST RESPONDENT.
EXT.P2 A	TRUE COPY OF THE RECEIPT FROM THE POLICE STATION.

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

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K.BALAKRISHNAN NAIR & K.T.SANKARAN,JJ.

W.P.(C). NO. 31157 OF 2006 H

Dated this the 1st August, 2007

JUDGMENT

BALAKRISHNAN NAIR, J.

The petitioner has approached this Court alleging that the third respondent is obstructing the petitioner and his family members from using a pathway. So, he has preferred Ext.P2 representation before the first respondent, Sub Inspector of Police, seeking police protection to the petitioner, his family members and his vehicle so that they can travel through the said pathway.

2. Learned Government Pleader submitted that there is a civil dispute regarding the right to use a pathway.

3. We think, the remedy of the petitioner is to move the competent civil court and seek appropriate reliefs. The police cannot be conceded the power to decide whether the petitioner is entitled to use that pathway and thereafter grant protection.

Accordingly, the Writ Petition is closed without prejudice to the contentions of the petitioner.

(K.BALAKRISHNAN NAIR)
Judge

(K.T.SANKARAN)
Judge

ahz/